



California Regulatory Notice Register

REGISTER 2003, NO. 16-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 18, 2003

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

California Department of Forestry & Fire Protection
Department of Finance

A written comment period has been established commencing on April 18, 2003, and closing on June 2, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict of interest code(s). Any written comments must be received no later than June 2, 2003. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. SECRETARY OF STATE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Secretary of State intends to adopt the proposed regulations described below. The Secretary of State adopted the proposed text as emergency regulations on April 3, 2003. The emergency regulatory action will expire on August 2, 2003.

PROPOSED REGULATORY ACTION

Assembly Bill (AB) 797, Chapter 380, Statutes 2002 added Chapter 3.2 (commencing with Section 6215) to Division 7 of Title 1 of the Government Code. This chapter charges the Secretary of State with the responsibility of operating a confidential address program for reproductive health care services providers, employees, volunteers, and patients. The program shall be known as Safe at Home. The Secretary of State is authorized to promulgate regulations to facilitate the administration of the program by state and local agencies pursuant to Section 6215.9 of the Government Code.

The Secretary of State proposes to add Chapter 11, consisting of Sections 22100, 22110, 22120, and 22130, to Division 7 of Title 2 of the California Code of Regulations. Section 22100 would establish: (1) the program as Safe at Home; (2) eligible community-based assistance programs that may participate as enrolling agencies; (3) confidential manner in which enrolling agencies are to treat applicant information; and (4) grounds upon which enrolling agencies shall cease to participate as such. Section 22110 would establish: (1) nonrefundable \$30 application fee and \$75 annual fee for reproductive health care services facilities, providers, employees, volunteers, and their families; and (2) no application or annual fees for reproductive health care services patients and their families. Section 22120 would establish (1) renewal procedures for reproductive health care services facilities, providers, employees, and their families; and (2) renewal procedures for reproductive health care services volunteers and their families. Section 22130 would establish: (1) termination and notification procedures for program participants and enrolling agencies; (2) appeal procedures; and (3) procedures if the termination date occurs while appeal is pending.

PUBLIC HEARING

The Secretary of State has not scheduled a public hearing on this proposed action. However, the Secretary of State will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than fifteen (15) days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Secretary of State. The written comment period closes at 5:00 p.m. on June 2, 2003. Only written comments received at the office of the Secretary of State by that time shall be considered. Submit written comments to the contact person listed below.

AUTHORITY AND REFERENCE

Section 6215.9 of the Government Code authorizes the Secretary of State to adopt rules to facilitate the administration of Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of the Government Code. Furthermore, subdivision (e) of Section 6215.2 specifically states that the Secretary of State shall by rule establish renewal procedures. The proposed regulations would implement, interpret or make specific subdivisions (a), (c), and (e) of Section 6215.2 and subdivision (c) of Section 6215.4 of the Government Code.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Currently, the Secretary of State operates a confidential address program for victims of domestic violence and stalking. Senate Bill 489, Chapter 1005, Statutes of 1998 established the confidential address program for victims of domestic violence, known as Safe at Home, and in January 2001 the program was expanded to serve victims of stalking. The Secretary of State serves as the agent for service of process for legal documents and as the destination for mail for program participants. Victims of domestic violence and stalking may apply to participate in Safe at Home through an enrolling agency, such as a domestic violence shelter, and no fees are charged. As of April 1, 2003, Safe at Home for victims of domestic violence and stalking had 1,623 participants and the program continues to grow steadily.

Assembly Bill 797, Chapter 380, Statutes of 2002 added Chapter 3.2 (commencing with Section 6215) to Division 7 of Title 1 of the Government Code, further expanding Safe at Home to include reproductive health care services facilities, providers, employees, volunteers, patients, and their families. Subdivision (b) of Section 6215.1 defines reproductive health care services as health care services relating to the termination of a pregnancy in a reproductive health care facility. The Legislature declared that reproductive health care services providers, employees, volunteers, and patients, especially relating to the termination of pregnancy, are often subject to harass-

ment, threats, and acts of violence by persons or groups. In order to prevent potential acts of violence from being committed against reproductive health care facilities, providers, employees, volunteers, and patients, the Legislature found it necessary to ensure the confidentiality of residence address information for these individuals. The confidential address program enable: (1) state and local agencies to respond to public records requests without disclosing residential locations of reproductive health care services providers, employees, volunteers, and patients; (2) inter-agency cooperation with the Secretary of State in providing address confidentiality for reproductive health care services providers, employees, volunteers, and patients; and (3) state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

Although Safe at Home for reproductive health care services providers, employees, volunteers, and patients will operate similarly to Safe at Home for victims of domestic violence and stalking the two programs are distinguished by the following: (1) program participants, except patients, are required to pay application and annual fees; and (2) government agencies must keep entire records of reproductive health care services providers, employees, volunteers, and patients confidential, whereas only address and name change confidentiality is provided under Safe at Home for victims of domestic violence and stalking.

The Secretary of State is authorized to promulgate regulations to facilitate the administration of the program pursuant to Section 6215.9 of the Government Code. In addition, subdivision (e) of Section 6215.2 states that the Secretary of State shall by rule establish renewal procedures. Given this authority, the Secretary of State proposes to add Chapter 11, consisting of Sections 22100, 22110, 22120, and 22130, to Division 7 of Title 2 of the California Code of Regulations.

Section 22100 of the Proposed Regulations

Section 6215.8 of the Government Code states that the Secretary of State shall designate state and local agencies and nonprofit agencies that may assist persons applying to be program participants. Further, subdivision (a) of Section 6215.2 of the Government Code states that an application shall be completed in person at a community-based assistance program designated by the Secretary of State. Section 22100 of the proposed regulations implements, interprets and makes specific subdivision (a) of Section 6215.2. Subdivision (a) of Section 22100 of the proposed regulations establishes the name of the program as Safe at Home. Subdivisions (b) and (c) limit eligible community-based assistance programs that may serve

as enrolling agencies to independent abortion providers and Planned Parenthood clinics that provide on-site abortions and outline the application process. Subdivision (d) states that all applicant information is confidential and is to be treated as such by enrolling agencies and requires enrolling agencies to forward all applications to the Secretary of State within twenty-four (24) hours of receipt. Subdivision (e) identifies the grounds upon which an enrolling agency shall cease to be designated as such, applies termination notification and appeal procedures in Section 22130, and requires all Safe at Home applications and materials to be returned to the Secretary of State within three (3) business days.

Section 22110 of the Proposed Regulations

Subdivision (c) of Section 6215.2 of the Government Code states that the Secretary of State shall determine an application fee that shall not exceed the actual costs of enrolling in the program. Subdivision (a) of Section 22110 of the proposed regulations establishes a \$30 nonrefundable fee for an application submitted by a reproductive health care services facilities, providers, employees, volunteers, or family member of a program participant who is a reproductive health care services provider, employee or volunteer. Subdivision (b) of Section 22110 establishes a nonrefundable \$75 annual fee for reproductive health care services facilities, providers, employees, volunteers, and family members of program participants who are reproductive health care services providers, employees and volunteers. The annual fee must be received by the Secretary of State no later than five (5) business days after the anniversary date of becoming a program participant. If the annual fee is received after five (5) business days, the certification as a program participant shall be terminated in accordance with Section 22130. Subdivision (c) of Section 22110 states that application and annual fees shall not be charged to reproductive health care services patients and family members of a reproductive health care services patients.

Section 22120 of the Proposed Regulations

Subdivision (e) of Section 6215.2 of the Government Code states that the Secretary of State shall establish by rule a renewal procedure. Subdivision (a) of Section 22120 of the proposed regulations requires the Secretary of State to mail a renewal application to each program participant, except program participants who are reproductive health care services volunteers, at least two (2) months prior to the four-year anniversary date of certification as a program participant. The renewal application must be received by the Secretary of State no later than five (5) business days after the expiration of the four-year certification term. Subdivision (b) of Section 22120 requires a program

participant who is a reproductive health care services volunteer to immediately notify the Secretary of State in writing as to the last date he or she volunteered at a reproductive health care services facility. The Secretary of State is required to send a letter of confirmation as to the date the program participant certification shall expire.

Section 22130 of the Proposed Regulations

The certification as a program participant and designation as an enrolling agency may be terminated. Subdivision (b) of Section 6215.4 of the Government Code enumerates the conditions under which the Safe at Home program manager may terminate a person's participation in the program and subdivision (c) of Section 6215.4 of the Government Code states that a program participant shall have five (5) business days in which to appeal a termination under procedures developed by the Secretary of State. Subdivision (e) of Section 22100 of the proposed regulations enumerates the grounds upon which a designation as an enrolling agency may be terminated and applies the procedures outlined in Section 22130 of the proposed regulations. Subdivision (a) of Section 22130 of the proposed regulations requires the Secretary of State to send the termination notice by certified mail to program participants and enrolling agencies. The termination notice shall include the grounds for termination, the date in which the termination shall be effective, and the appeal procedures. Subdivision (b) of Section 22130 of the proposed regulations states that the appeal shall consist of a statement signed by the program participant or authorized representative of the enrolling agency outlining arguments and facts as to why the certification or designation should not be terminated. Any supporting evidence must be submitted with the signed statement. The Secretary of State shall have three (3) business days to review the appeal, issue a decision, and send the decision by certified mail to the program participant or enrolling agency. Subdivision (c) of Section 22130 requires the Secretary of State to continue to act as though the program certification is valid if the appeal process extends beyond the termination date identified in the termination notice. Subdivision (d) of Section 22130 requires that if the appeal process extends beyond the date of termination as a designated enrolling agency, a community-based assistance organization shall not represent itself as an enrolling agency, unless and until such time as the Secretary of State reinstates the designation.

AVAILABILITY OF TEXT IN PLAIN ENGLISH

The text of the proposed regulations is available in plain English from the contact person listed below.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Secretary of State has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None. The proposed regulations would not result in a cost or savings to any state agency. Subdivision (c) of Section 6215.1 of the Government Code states that the application fee for reproductive health care services facilities, providers, employees, and volunteers shall not exceed the actual cost of enrolling in the program and not the cost of maintaining and operating the program. The application fee of \$30 was determined by the estimated processing time of 30 to 40 minutes required for each application. The job duty of processing applications would be performed by a program technician and includes, but is not limited to, review, research, database entry, certification packet preparation, and identification card preparation. Factored into the fee is the hourly wage for a program technician, including benefits, and additional attention that may be required to complete an application. Subdivision (c) further states that the Secretary of State may charge annual fees to defray the actual costs of maintaining the program and that annual fees shall be used to reimburse the General Fund for any amounts expended for the program. The \$75 annual fee has been determined not to be cost prohibitive for program participants while providing funding to defray the cost of maintaining the program.
- Cost to any local agency or school district, which must be reimbursed in accordance with Section 17561 of the Government Code: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states: None. The proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states. The businesses impacted are a select group providing termination of pregnancy and are not of a nature that compete with businesses in other states. The reproductive health care services facilities that voluntarily choose to do so may serve as enrolling agencies and program participants. Threats and acts of violence in the workplace and homes of reproductive health care services providers, employee, volunteers, patients,

and their families are a reality, having a significant impact in terms of economics, security, and in the manner in which services are provided. The Legislature found that threats and acts of violence are a serious consideration and deterrent for physicians entering the reproductive health care services field. The purpose of the confidential address program is to protect against these threats and acts of violence. The \$30 application fee and \$75 annual fee will have a minimal economic impact, if any, which will be outweighed by the benefits offered.

- Cost impact representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action: Minimal. The \$30 application fee and \$75 annual fee in the proposed regulations will have a minimal cost impact on representative private persons and businesses. Safe at Home is a voluntary program that offers address confidentiality for reproductive health care services facilities, providers, employees, volunteers, patients, and their families. Threats and acts of violence in the workplace and homes of these individuals are a reality and the \$30 application fee and \$75 annual fee for program participants is minimal in comparison to the benefits offered. For facilities that voluntarily serve as enrolling agents the Secretary of State anticipates the cost impact to be minimal. The Secretary of State shall provide the training to counselors, orientation information, and applications.
- Adoption of these regulations will not do any of the following: (1) create nor eliminate jobs within California; (2) create new business or eliminate existing business within California; nor (3) affect the expansion of business currently doing business within California.
- Significant effect on housing costs: None.

BUSINESS REPORTING REQUIREMENT

The business reporting requirement is not applicable to the proposed regulations.

SMALL BUSINESS DETERMINATION

There are more than 50 specialized women's health programs under the Department of Health Services, more than 600 hospitals and an unknown number of medical clinics, counseling facilities, and surgical and physician offices throughout California relating to women's health. The Secretary of State is unable to determine the number of reproductive health care services providers and facilities that are defined as small businesses.

The \$30 application fee and \$75 annual fee charged to reproductive health services providers, employees, volunteers, and their families who voluntarily partici-

pate in Safe at Home is minimal. The proposed regulations would not result in any adverse economic impact on small businesses that provide reproductive health care services.

In regards to community-based assistance programs designated by the Secretary of State where interested persons meet with a counselor, receive orientation information, and complete applications, these programs will voluntarily apply to participate in Safe at Home. The Secretary of State is unable to determine the number of designated community-based assistance programs that would be considered small businesses. Given that the Secretary of State will train the counselors and provide the orientation information, the proposed regulations would not result in any adverse economic impact on small businesses that are designated as community-based assistance programs.

CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of Section 11346.5 of the Government Code, the Secretary of State must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Secretary of State shall have the entire rulemaking file available for inspection and copying throughout the rulemaking process. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulations, and the initial statement of reasons. For further information regarding inspection of the rulemaking file, contact the Regulations Coordinator at (916) 653-3345 or the designated back-up contact at (877) 322-5227. Copies of the rulemaking file may be obtained at www.ss.ca.gov/safeathome/ or by contacting the Regulations Coordinator listed as the contact person below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the close of the public comment period, the Secretary of State may adopt the proposed regulations substantially as described in this notice. If the Secretary of State makes modifications which are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be available to the public for at least 15 days before the Secretary of State adopts the regulations as revised. Please send requests for copies of any modified

regulations to the contact person listed below. The Secretary of State will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available. Once the final statement of reasons is prepared in accordance with subdivision (a) of Section 11346.9 of the Government Code copies may be obtained at www.ss.ca.gov/safeathome/ or by contacting the Regulations Coordinator listed as the contact person below.

CONTACT PERSON

Direct all inquiries and requests for copies of proposed text of the regulations, initial statement of reasons, modified text of regulations, if any, or other information upon which the rulemaking file is based to: Safe at Home Confidential Address Program, Attention: Regulations Coordinator, P.O. Box 846, Sacramento, California 95812.

TITLE 7. BOARD OF PILOT COMMISSIONERS

NOTICE OF PROPOSED CHANGES

§ 213 PILOT TRAINEES TRAINING PROGRAM ELIGIBILITY LIST

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (the "Board") is proposing to take the action described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Board office located at Pier 9, Suite 102, San Francisco, California beginning at 9:30 a.m., on **Tuesday, June 3, 2003**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under CONTACT PERSON at the end of this Notice, must be received by the Board at its office no later than 4:30 p.m., Monday, June 2, 2003, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1154 of the Harbors and Navigation Code, and to implement, interpret or make specific Section 1171.5 of said Code, the Board is considering changes to Division 2 of Title 7 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board licenses and regulates maritime pilots for Monterey Bay and the Bays of San Francisco, San Pablo and Suisun and their tributaries. The Board also administers a pilot trainee training program, the successful completion of which is a prerequisite to receiving a pilot's license.

The selection process for entry into the training program is set forth in Section 213 of Title 7, California Code of Regulations. That section addresses qualifications, standards and rating criteria and provides for the assessment of an applicant's experience, and the administration of written examinations and simulator exercises to those who qualify.

Current regulation provides for entry into the training program based on the combined scores from the applicant's experience points, written examination and simulator exercises, but does not address the use of the resulting eligibility list to fill openings as they occur.

The proposed amendment would fill this void. It is based on the Board's experience and the recommendations of participants in various public workshops.

POLICY STATEMENT OVERVIEW

The **broad objective** of this amendment is to provide guidance on the use of the eligibility list following the administering of pilot trainee admission examinations, to ensure commitment on the part of each applicant and fairness to others on the list, to avoid unnecessary delay in filling openings in the training program and to meet the Board's administrative needs.

The **specific objective** is to:

- (1) establish an eligibility list by rank-ordering applicants with specified experience who achieved passing scores on both the written examination and simulator exercises;
- (2) provide for the use of that list to fill openings in the training program for up to three years;
- (3) require that applicants on the list maintain all minimum eligibility requirements, (including those pertaining to recency of experience) through the date of acceptance of an opening in the training program and keep Board staff informed of means of contacting the applicant;
- (4) require that openings in the training program be offered to applicants in their order on the

eligibility list, and provide for a specified time in which an applicant must respond;

- (5) require that an applicant accepting entry into the training program submit written confirmation of acceptance and verified documentation of continued eligibility and provide for a specified time within which to execute necessary contract documents;
- (6) address the effect of failing to accept an offer or to execute the contract documents within the specified time; and provide a limited exception for applicants whose failure to meet the time requirements was caused by a call to active duty in the Armed Forces of the United States;
- (7) specify information to be provided to an applicant at the time an opening in the training program is offered; and
- (8) provide for voluntary removal of an applicant's name from the eligibility list.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Other than the Board's determination, no studies or data were relied upon in making the above determination.

Impact on Jobs/New Businesses: The Board has made an initial determination that this proposed regulatory action will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Effect on Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Board has made an initial determination that the proposed regulatory action would not affect small businesses since the parties involved do not fall within the definition of small business per Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative to the proposed regulatory action would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments relevant to the above determinations orally at the above-mentioned hearing or in writing during the public comment period set forth in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed regulatory action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's Executive Director, Captain Patrick A. Moloney, at Pier 9, Suite 102, San Francisco, California 94111.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection at the Board office at Pier 9, Suite 102, San Francisco, CA.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Captain Patrick A. Moloney

Addr: Pier 9, Suite 102
San Francisco, CA 94111

Tele: (415) 397-2253

Fax: (415) 397-9463

e-mail pilots@earthlink.net

The backup contact person is:

Name: Alice Evans

Addr: Pier 9, Suite 102
San Francisco, CA 94111

Tele: (415) 397-2253

Fax: (415) 397-9463

e-mail pilots@earthlink.net

You can find additional information about this proposed rulemaking at the Board's website at:

<http://www.pilotcommission.org>

or

<http://www.pilotcommission.org/rules.shtml>

TITLE 10. DEPARTMENT OF INSURANCE

**45 Fremont Street
San Francisco, California 94105**

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

**File No. RH03028607
Notice Date: April 2, 2003**

Proposed Revisions to the Insurance Commissioner's Regulations pertaining to Statistical Reporting and Experience Rating; and the Approval of Advisory Pure Premium Rates to be effective July 1, 2003.

SUBJECT OF HEARING

Notice is hereby given that the insurance commissioner will hold a public hearing to consider (1) the approval of advisory pure premium rates developed by the designated rating organization, (2) amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, and (3) amendments to the California Workers' Compensation Experience Rating Plan—1995. The hearing will be held in response to a filing, submitted on April 2, 2003, by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB").

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation statistical reporting regulations are set forth in Title 10, California Code of Regulations, Section 2318.6. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. The regulations were promulgated by the insurance commissioner pursuant to the authority granted by Insurance Code Section 11734.

Pure Premium Rates

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium rates for submission to the insurance commissioner for issuance or approval. The Insurance Code provisions regarding State rate supervision operative January 1, 1995 do not authorize the insurance commissioner to require insurers to use the pure premium rates submitted by the designated rating organization and issued or approved by the insurance commissioner. Accordingly, the pure premium rates issued or approved by the insurance commissioner are advisory only. However, rates charged by insurers must be adequate to cover their losses and expenses.

Advisory Rating Plans

Pursuant to Insurance Code Sections 11750.3(a) and 11750.3(c), a licensed rating organization may promulgate advisory plans in connection with pure premium rates and the administration of classification and rating systems and present them to the insurance commissioner for review.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

**May 8, 2003—10:00 A.M.
22nd Floor Hearing Room
45 Fremont Street
San Francisco, California**

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the insurance commissioner has designated the WCIRB as his rating organization and statistical agent. As the designated rating organization and statistical agent, the WCIRB has developed and submitted for the insurance commissioner's approval pure premium rates and revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995 and the California Workers' Compensation Experience Rating Plan—1995. The pure premium rates will be advisory only; however, adherence to the regulations contained in the California Workers' Compensation Uniform Statistical Reporting Plan—1995 and the California Workers' Compensation Experience Rating Plan—1995 is mandatory.

The pure premium rates recommended by the WCIRB to be effective July 1, 2003, as well as amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995 and the California Workers' Compensation Experience Rating Plan—1995, are detailed in the WCIRB's filing letter and summarized below.

APPROVE PURE PREMIUM RATES

Pursuant to California Insurance Code Section 11750.3, the WCIRB has proposed advisory pure premium rates for approval by the insurance commissioner to be effective July 1, 2003 with respect to new and renewal policies with anniversary rating dates on or after July 1, 2003. The proposed advisory pure premium rates are 10.6% greater than the January 1, 2003 advisory pure premium rates approved by the insurance commissioner.

The proposed pure premium rate change is based on (1) insurer losses incurred during 2002 and prior accident years valued as of December 31, 2002; (2) insurer loss adjustment expenses for 2001 and prior years; and (3) except as noted, the same methodologies underlying the approved January 1, 2003 advisory pure premium rates.

AMEND THE CALIFORNIA WORKERS' COMPENSATION UNIFORM STATISTICAL REPORTING PLAN—1995

The WCIRB recommends that the following revisions be approved with respect to policies with a required first valuation of losses on or after July 1, 2003:

- Amend to specify that premium charges arising from the Terrorism Risk Insurance Act of 2002 are not included in the final premium reported on unit statistical reports.
- Amend to add Code 96 as a code for Terrorism losses.

AMEND CALIFORNIA WORKERS' COMPENSATION EXPERIENCE RATING PLAN—1995

The WCIRB recommends the following revisions to the California Workers' Compensation Experience Rating Plan—1995 to become effective July 1, 2003:

- Amend to specify that all premium charges arising from the Terrorism Risk Insurance Act of 2002 are excluded from the definitions of Premium.
- Amend to adjust the eligibility requirement from \$33,200 to \$36,719 to reflect the changes in pure premium rates proposed in this filing.
- Amend to specify that all certified losses arising from the Terrorism Risk Insurance Act of 2002 shall not be listed as a loss for experience rating purposes.
- Amend to specify that all certified claims arising from the Terrorism Risk Insurance Act of 2002 shall not be reflected in the computation of an experience modification.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The insurance commissioner has determined that there will not be a cost increase and there will not be any new programs mandated on any local agency or school district as a result of the proposed regulations, if adopted as proposed herein.

IMPACT ON HOUSING COSTS

The insurance commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON SMALL BUSINESSES

The insurance commissioner has determined that the proposed regulations will not have a significant effect on small businesses, since the proposed regulations are advisory only.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The insurance commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. At this time, the insurance commissioner expects that the proposed regulations will not have a significant effect on private persons or entities since the proposed regulations are advisory only.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

NON-DISCRETIONARY COSTS OR SAVINGS

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, except for the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

**PRESENTATION OF ORAL AND/OR
WRITTEN COMMENTS**

All persons are invited to submit written comments to the insurance commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attention: Larry C. White, Senior Staff Counsel
45 Fremont Street, 24th Floor
San Francisco, California 94105
(415) 538-4423

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the insurance commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the insurance commissioner at the address listed above no later than 5:00 P.M. on May 9, 2003.

**TEXT OF REGULATIONS AND STATEMENT
OF REASONS AVAILABLE**

The insurance commissioner has prepared an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. The express terms of the proposed regulations as contained in the WCIRB's filing, the Notice of Proposed Action and Notice of Public Hearing, and the Initial Statement of Reasons will be made available for inspection or provided without charge upon written request to the contact person for these hearings (listed above). The filing may also be accessed on the WCIRB's website at www.wcirbonline.org in the "WCIRB Wire" section, April 2, 2003 dateline.

ACCESS TO RULE-MAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to this filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file will be available for inspection at 45 Fremont Street, 22nd Floor, San Francisco, California 94105, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all

persons on the insurance commissioner's Bulletins and Rulings and the California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the insurance commissioner may adopt or approve regulations substantially as described in this Notice and informative digest or he may adopt or approve modified regulations. He also may refuse to adopt or approve the regulations. Notice of the insurance commissioner's action will be sent to all persons on the insurance commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the commissioner's action.

**TITLE 11. DEPARTMENT
OF JUSTICE**

**NOTICE OF PROPOSED REGULATIONS
FOR THE CERTIFICATION OF
NON-EXEMPTED INDIVIDUALS WHO TAKE
FINGERPRINT IMPRESSIONS**

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ), pursuant to Penal Code section 11102.1, is proposing to adopt regulations for the certification of non-exempted individuals who take fingerprint impressions for employment, licensing, and certification purposes. The proposed regulations will be added as sections 994 through 994.16, Chapter 13.6, Division 1, Title 11 of the California Code of Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law requires the DOJ to maintain criminal offender record information. Existing law permits the DOJ to use, among other things, the fingerprint system of identification to identify criminal offenders. Existing law requires the DOJ to maintain an automated system to maintain fingerprints and provides that applicants for various employment, licensing and certification purposes be fingerprinted to determine if they have criminal records.

Assembly Bill 2659, Chapter 623, Statutes of 2002, enacted Penal Code section 11102.1, which became effective January 1, 2003, which requires the DOJ to certify individuals who take fingerprints for employment, licensing and certification purposes. Law enforcement personnel and state employees who have received training pertaining to taking applicant fingerprints are exempted from the requirements of the section.

The DOJ proposes to adopt regulations to create and maintain a certification program for persons, not

exempted, who take applicant fingerprints, by live-scan or manual methods, for employment, licensing and certification purposes.

AUTHORITY/REFERENCES

The following authority and references are cited for the proposed action:

Authority: Section 11102.1(j), Penal Code.

References: Sections 10911.5, 44237, 44332.6, 44341(c), 44830.1, 45125, 45125.01, and 45125.1, Education Code; Section 15376, Government Code; Sections 1265.5, 1338.5, 1522, 1568.09, 1569.17, 1569.171, 1596.603, and 1596.871, Health and Safety Code; Sections 11075 through 11081, 11102.1, 11105, 11105 (b) through (j), 11105.01 through 11105.05, 11105.1 through 11105.5, 11112, 13150, and 13151, Penal Code; Section 2342, Probate Code; Section 5164, Public Resources Code; Section 12517.3, Vehicle Code; Sections 4689.2, 15660, and 16501, Welfare and Institutions Code.

PUBLIC HEARINGS AND WRITTEN COMMENT PERIOD

PUBLIC HEARINGS

Public hearings will be held on the proposed regulations as follows:

10:30 AM Thursday, May 22, 2003
Ontario International Airport
Terminal Building 1,
2nd Floor Conference Room
Ontario, CA

9:00 AM Tuesday, June 3, 2003
HHSDC Training Center,
Suite 100—Conference Room #1
9323 Tech Center Drive
Sacramento, CA

If you need directions or a map of where the hearing(s) are located, please call the primary contact person listed below.

WRITTEN COMMENT PERIOD

Any interested persons, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below. The written comment period closes by **5:00 p.m. Friday, June 6, 2003**. Written comments will also be taken at the hearing(s) listed above. Written comments may be submitted in person at the hearing(s) or by letter, FAX or e-mail to the following:

Mail: Jo Wright, Analyst
Department of Justice
P.O. Box 903387
Sacramento, CA 94203-3870
E-mail: jo.wright@doj.ca.gov
Fax: (916) 227-3774

AVAILABILITY OF INFORMATION PERTAINING TO THE PROPOSED ACTION

The DOJ will have the rulemaking file available for inspection and copying throughout the rulemaking process. Initially, the file will consist of this notice, the initial statement of reasons, and the text of the proposed regulations. The file will be available at:

Department of Justice
Bureau of Criminal Information and Analysis
4949 Broadway
Sacramento, CA 95820

CONTACT PERSONS

The primary contact person at the DOJ is:

Jo Wright
P.O. Box 903387
Sacramento, CA 94203-3870
Phone (916) 227-2831
FAX (916) 227-3774
e-mail jo.wright@doj.ca.gov

The backup contact person is:

Valerie Fercho-Tillery
P.O. Box 903387
Sacramento, CA 94203-3870
Phone (916) 227-3732
FAX (916) 227-3774
e-mail valerie.ferchotillery@doj.ca.gov

INTERNET WEBSITE

Copies of the notice, the initial statement of reasons, and the regulations as proposed, can be obtained by going to the following internet website: http://caag.state.ca.us/finger_cert/

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the DOJ analyzes all timely and relevant comments received during the comment period, the DOJ will either adopt the proposed regulations substantially, as described in this notice, or make modifications based on the comments. If the DOJ makes modifications other than non-substantive technical or grammatical changes, the modified text, with the changes clearly indicated, will be made available to the public for at least 15 days before the DOJ adopts the revised amendments to the existing regulations. The DOJ will accept written comments on the revised amendments for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS AND THE RULEMAKING FILE

A copy of the final statement of reasons and the entire rulemaking file may be obtained at the address or from the contact persons previously identified.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative considered by it or otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The DOJ invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cost Impact on Local Agencies and School Districts: The proposed regulations will not create a local mandate and will not have a significant impact on local agencies and school districts and will not result in reimbursable costs. Local agencies and school districts that submit fingerprints for employment, licensing, and certification purposes do so based on mandates in current legislation. The proposed regulations only require that those submitting the fingerprints be certified by the DOJ. Those being certified will pay application and fingerprinting costs totaling eighty one dollars (\$81.00).

Cost Impact on State Agencies and Federal Funding to the State: All costs to the DOJ will be absorbed by the Bureau of Criminal Information and Analysis within the Division of California Justice Information Services, or will be covered by the fees collected during the certification process. Costs to other state agencies who fingerprint persons for employment, licensing and certification will be absorbed in current budgets for these tasks.

Non-Discretionary Costs or Savings: The proposed regulations will not create any non-discretionary costs and will not generate any savings.

Significant Impact on California Businesses: The DOJ has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations will require the individual applying for certification to pay the required fees to DOJ. No fees will be assessed against California businesses.

Significant Impact on California Small Businesses: The DOJ has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting small businesses. The proposed action will not impact the ability of California small businesses to compete with businesses in other states. The proposed regula-

tions will require the individual applying for certification to pay the required fees to DOJ. No fees will be assessed against small businesses.

Cost Impacts on Representative Private Persons and Businesses: Private persons who apply for certification will be required to pay the DOJ a specified fee of eighty one dollars (\$81.00). The DOJ is not aware of any cost impacts that businesses would necessarily incur in reasonable compliance with the proposed action.

Assessment of Job Creation or Elimination: Adoption of the proposed regulations will not create or eliminate jobs in the State of California, nor will it result in the elimination of existing businesses in the state, the expansion of existing businesses in the state, or the creation of new businesses in the state.

Impact on Housing Costs: The DOJ has made an initial determination that there will be no impact on housing costs in California.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking
Title 22, California Code of Regulations

SUBJECT

Annual Healthcare Common Procedure Coding
System (HCPCS) Update,
R-53-01E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on June 2, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the

Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-53-01E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Linda Machado of the Medi-Cal Policy Division Rate Development Branch at (916) 657-0175.
3. All other inquiries concerning the action described in this notice may be directed to Chuck Smith of the Office of Regulations at (916) 657-0730, or to the designated backup contact person, Allison Branscombe, at (916) 657-0692.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 10725 of the Welfare and Institutions Code authorizes the Department of Health Services (Department) to adopt regulations to implement, interpret, or make specific the law enforced by the Department. Section 14105 of the Welfare and Institutions Code, in part, requires the Department to implement, and annually update, the Healthcare Common Procedure Coding System (HCPCS) and provides emergency authorization for that purpose.

The Centers for Medicare and Medicaid Services or "CMS" (formerly known as the Health Care Financing Administration {HCFA}) published a notice in the Federal Register, Volume 50, Number 194, Page 40895 (October 7, 1985), requiring State Medicaid agencies with a Medicaid Management Information System (MMIS) to accept and use exclusively the CMS Healthcare Common Procedure Coding System (HCPCS) effective October 1, 1986. Pursuant to section 1903(r) of the Social Security Act (42 United States Code section 1396b(r)), failure to comply would result in the loss of MMIS approval and a reduction of federal financial participation (FFP) from 75 to 50 percent. California completed its conversion to HCPCS on October 1, 1992.

These regulation changes (R-53-01E) adopt into the Medi-Cal program the 2002 HCPCS codes and descriptors, pursuant to the Transaction Lists and 2002 HCPCS File provided by CMS. These codes may

represent new services or amend the descriptors of existing services. In those instances where a new national HCPCS code was created that adequately described an existing Medi-Cal service provided by the Department, the current local (Medi-Cal only) HCPCS code was deleted from these regulations (R-53-01E). Annual revisions to procedure codes and descriptors do not require separate CMS approval so long as they conform to the current coding structure (pages 15 and 16, "HCFA Common Procedure Coding System Conversion/Implementation Manual and User's Guide," dated 2/15/83).

These regulation changes (R-53-01E) amend the procedure codes, descriptions and prices for items and services billed by providers to the Medi-Cal program, and affect California Code of Regulations, Title 22, sections 51319(c), Hearing Aids; 51507.2, Speech Therapy and Audiology; 51515(c) and (e), Orthotics and Prosthetics; 51517, Hearing Aids; and 51521(i), Durable Medical Equipment.

These regulation changes (R-53-01E) add a prior authorization requirement for hearing aid supplies. This requirement is intended to eliminate billing and payment for items not directly related to the operation and/or use of a hearing aid. W&I Code, section 14133, authorizes the Department to establish appropriate utilization controls, including prior authorization.

AUTHORITY

Sections 10725, 14105 and 14124.5, Welfare and Institutions Code; and Section 57(c), Chapter 328, Statutes of 1982.

REFERENCE

Sections 14053, 14103.7, 14105, 14132 and 14133, Welfare and Institutions Code; Statutes of 1982, Chapter 328, Section 53; Statutes of 1982, Chapter 1594, Section 77; Statutes of 1983, Chapter 323, Section 149; Statutes of 1984, Chapter 258, Items 4260-106-001 and 890; Statutes of 1984, Chapter 268, Section 66; Statutes of 1985, Chapter 111, Items 4260-106-001 and 890; and Statutes of 2000, Chapter 52, Items 4260-101-0001 and 890.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: No fiscal impact exists.
- B. Fiscal Effect on State Government: No fiscal impact exists.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with

the emergency action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Provider participation in the Medi-Cal program is voluntary; there is no statutory mandate to provide services to Medi-Cal beneficiaries. The proposed changes will not result in any new reporting, compliance or record keeping requirements for participating Medi-Cal providers. In addition, the changes will not alter the scope of Medi-Cal benefits or the overall payments made to providers.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations will affect small business.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available

upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking
Title 22, California Code of Regulations

SUBJECT

Medi-Cal Subacute Contracts,
R-4-03E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received

by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on June 2, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-4-03E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Caryn White of the Medi-Cal Operations Division at (916) 322-9177.
3. All other inquiries concerning the action described in this notice may be directed to Michelle L. Tedrow, AGPA, of the Office of Regulations at (916) 653-1747, or to the designated backup contact person, Barbara Gallaway, R.N., M.S.N., at (916) 657-3197.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under Welfare and Institutions Code section 14132.25, the Department of Health Services is required to establish a subacute care program in health facilities. To implement this program, Medi-Cal enters into contracts with licensed health facilities for the provision of subacute care services. The main regulations for this program are found in California Code of Regulations, title 22, sections 51124.5, 51215.5 through 51215.11; 51225.5 through 51335.6, and 51511.5 and 51511.6.

Subacute care is a level of care needed by a patient who does not require hospital acute care, but who requires more intensive skilled nursing care than is

provided in the majority of skilled nursing facilities. (§ 51124.5) Subacute care is provided to medically fragile patients who require services such as inhalation therapy, tracheostomy care, intravenous tube feeding, and complex wound management care. The health facility is reimbursed by Medi-Cal at a higher rate for providing subacute care services, compared to the standard rate paid for skilled nursing care.

Under California Code of Regulations, title 22 section 51215.6, subdivision (d), each applicant for an initial subacute care contract, contract amendment, or contract renewal to provide adult subacute care services, and pediatric subacute services, shall submit a completed application, or written request in the case of a contract amendment, to the Department in addition to evidence that the facility has not received any deficiencies or citations.

Pursuant to 51215.6, subdivisions (d)(3)(B) and (d)(3)(C), the Department cannot contract with a facility for subacute services, unless the facility can provide evidence that it has not received any deficiencies in patient care, a Class AA or Class A citation received from the Department's Licensing and Certification program within the previous 12 months.

This regulation does not allow for the completion of the facility's due process in disputing the deficiency or citation sanction and does not provide the Department with the discretion to continue contracts with facilities. Furthermore, it does not provide the Department with the flexibility to review deficiencies and citations on the basis of individual merit, especially in instances where the citation or deficiency is not indicative of the facility's ability to continue to provide subacute services, or where the deficiency has been corrected or dismissed pursuant to Health and Safety Code section 1424.

These emergency regulations amend section 51215.6 to remove the automatic trigger of non-renewal of a subacute contract between Medi-Cal and a licensed health facility for a facility that received a citation or deficiency from the Department. This allows the Department to consider if the deficiency has already been corrected or dismissed, which it was not allowed to take into consideration previously. Without these changes, the number of available subacute beds has been seriously and unnecessarily restricted. It also allows the Department to have more options available when patients need to be moved to another subacute facility.

These emergency regulations do not conflict with or duplicate any federal or state statutes or regulations.

AUTHORITY

Sections 10725 and 14125.5, Welfare and Institutions Code.

REFERENCE

Section 14132.25, Welfare and Institutions Code; and section 15376(a) and (b), Government Code; and title 42 Code of Federal Regulations, Part 413.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None
- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small business because Medi-Cal is a voluntary program for both providers and beneficiaries.

The Department has determined that the regulations will have no impact on housing costs.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF REGULATIONS**

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

TITLE 27. NATURAL RESOURCES

DIVISION 2. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL

SUBCHAPTER 4 CRITERIA FOR LANDFILLS AND DISPOSAL SITES

ARTICLE 2.0 COVER MATERIAL AND BENEFICIAL USE

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 4 by amending Article 2, sections 20685, 20690 and Title 27, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 3, Article 2, Section 21600. The proposed changes govern the proper and safe use of alternative daily cover in lieu of soil as daily cover, for beneficial use of waste derived materials at landfills other than as daily cover and to protect public health and safety and the environment.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on June 17, 2003.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Reinhard Hohlwein
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025 MS-15
Sacramento, CA 95812-4025
Phone: (916) 341-6344
FAX: (916) 319-7204
e-mail: rhohlwei@ciwmb.ca.gov

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for July 7, 2003. The hearing will be held in the Coastal Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The

hearing will begin at 9:30 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons, who make oral comments at the hearing, submit written copy of their testimony at the hearing. The Coastal Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act) [AB 939 (Sher), Stats. 1989, c. 1095], Public Resources Code (PRC) Section 40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC Section 40502 requires the CIWMB to adopt rules and regulations to implement this Act. PRC Section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal. Proposed changes to the regulations in Title 27 CCR, Division 7, Chapter 3, Article 2.0, will set forth guidelines and minimum operating requirements for Alternative Daily Cover and Beneficial Use for use at disposal sites.

Currently, there are regulations that govern the application of daily cover as well as the application of ADC. The proposed regulations will require operators of landfills to pre-process some materials used as ADC before covering at the end of the operating day when such processing is relevant to their use as effective ADC. There also are new definitions on what constitutes the beneficial use of waste derived materials at landfills. These regulations are intended to clarify what constitutes adequate type and quality of waste derived materials for use as daily cover and for other beneficial uses of such materials within landfills.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that ADC can pose a threat to public health, safety, and the environment; therefore, sites accepting and applying ADC in lieu of soil as daily cover should be regulated. Additionally, the appropriate use of waste derived materials for Beneficial Use at landfills should be regulated. The proposed regulations provide guidelines and operating requirements for Alternative Daily Cover as well as Beneficial Use for use at disposal sites.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC Sections 40502, 43020, and 43021 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific PRC Sections 40053, 41781.3, 43020, and 43021.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D, the State of California has the authority to promulgate such regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CIWMB staff has determined that the proposed regulations will result in no costs or savings to any state agencies and no costs to any school districts that are required to be reimbursed under part 7 (commencing with section 17500) of Division 4 of the Government Code, no other nondiscretionary costs or savings on local agencies or school districts and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations impose a mandate on local agencies that serve as CIWMB certified local enforcement agencies. The mandate does not require state reimbursement because the agencies are authorized by PRC Sections 43213 and 44006 to charge a fee to recover the costs of performing those services.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff have made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff determined that the regulations would not have any significant economic impact on small businesses.

The regulations would impact the solid waste landfills utilizing ADC. Due to the capital investment required, few small businesses establish and operate solid waste landfills. As such these regulations will not affect small business in that no small business is required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of

the regulations. If a small business were to establish a solid waste landfill that utilized ADC it would be subject to these revised regulations.

IMPACTS ON JOBS/BUSINESSES

CIWMB staff determined that the costs and/or savings associated with these regulations are not significant enough to result in the creation or elimination of jobs, occupations, or businesses or the expansion of existing California businesses.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

CIWMB staff analyzed the economic impact of the proposed action. The economic analysis indicates an impact to 18 facilities (statewide) of \$4,000 per facility over 5 years.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Reinhard Hohlwein
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025 MS-15
Sacramento, CA 95812-4025
Phone: (916) 341-6344
FAX: (916) 319-7402
e-mail: rhohlwei@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Mary Madison-Johnson
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025 MS-15
Sacramento, CA 95812-4025
Phone: (916) 341-6329
FAX: (916) 319-7296
e-mail: mmadison@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons and the economic impact statement. Copies may be obtained by contacting Reinhard Hohlwein at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/ADC>.

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE OF PROPOSED REGULATORY ACTION

CHANGE OF DATE FOR PUBLIC HEARING

The California Regulatory Notice Register dated March 28, 2003 indicated that the Board of Podiatric Medicine was proposing a regulation that would make changes to the Board's current residency program

standards. The Board of Podiatric Medicine will conduct a public hearing on this proposed regulation at the San Francisco Health Commission, located at 101 Grove Street, Room 300, San Francisco, California, on a different date than stated in the original notice. The new hearing date is:

June 6, 2003

The hearing will begin at 9:00 a.m.

For additional information, please contact Mischa Matsunami, Staff Analyst, at (916) 263-0315.

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE OF PROPOSED REGULATORY ACTION

CHANGE OF DATE FOR PUBLIC HEARING

The California Regulatory Notice Register dated March 28, 2003 indicated that the Board of Podiatric Medicine was proposing a regulation that would make changes to the Board's current information disclosure policy. The Board of Podiatric Medicine will conduct a public hearing on this proposed regulation at the San Francisco Health Commission, located at 101 Grove Street, Room 300, San Francisco, California, on a different date than stated in the original notice. The new hearing date is:

June 6, 2003

The hearing will begin at 9:00 a.m.

For additional information, please contact Mischa Matsunami, Staff Analyst, at (916) 263-0315.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On February 24, 2003, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three year variance renewal to Fresno County. Authority for this action is contained in Health and Safety Code, section 25143. The variance allows Fresno County household hazardous waste (HHW) collection program to accept from qualified conditionally exempt small quantity generators (CESQGs) up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time, with a 100 kilogram limit per month. The variance also allows those qualified small businesses to transport up to that same limit to the HHW collection facilities without meeting registered transporter or hazardous waste manifesting requirements. Standards that are exempted are contained in the Health and Safety Code, sections 25163 and 25160

respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on January 9, 2003, received a petition from Dr. Grey Hayes to list the Scotts Valley polygonum (*Polygonum hickmanii*) as an endangered species. Scotts Valley polygonum is known from only two occurrences in the city of Scotts Valley, Santa Cruz County, California. It occupies less than one acre of habitat at these two occurrences, which span three privately owned parcels. No more than 3,500 total individual plants have been located in a single year. The species is threatened by urban development and associated disturbances, displacement by non-native grasses, and the increased possibility of extinction due to the small number of individuals and limited amount of occupied habitat.

Pursuant to Section 2073 of the Fish and Game Code, on January 16, 2003, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. The Department's evaluation and recommendation relating to the petition will be received by the Commission at its June 19, 2003 meeting in Mammoth Lakes, California. Interested parties may contact Ms. Sandra Morey, Chief, Habitat Conservation Planning Branch, Department of Fish and Game, at telephone (916) 653-4875 for information on the petition or to submit information to the Department relating to the petitioned species.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ENVIRONMENTAL PROTECTION INDICATORS FOR CALIFORNIA (EPIC) PROJECT

NOTICE TO INTERESTED PARTIES

REQUEST FOR INFORMATION AND PUBLIC INPUT ON THE INITIAL SET OF ENVIRONMENTAL INDICATORS

The California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment is the lead agency for the Environmental

Protection Indicators for California (EPIC) Project. The EPIC Project is a collaborative effort of Cal/EPA, the California Resources Agency, the California Department of Health Services and a variety of stakeholders. The Project is responsible for establishing and maintaining environmental indicators to characterize the state of California's environment.

Environmental indicators present scientifically-based information on the status of and trends in, environmental conditions over time. These indicators are intended to assist environmental programs in evaluating the outcomes of their efforts and in identifying areas that require more attention. In addition, the indicators serve as a useful tool in communicating environmental information.

Guidelines and criteria for identifying and selecting indicators and an initial set of indicators for environmental issues that are important for California to track are presented in an April 2002 report: *Environmental Protection Indicators for California*. The EPIC report and a synthesis document can be downloaded from: www.oehha.ca.gov/multimedia/epic/2002epicreport.html. The report discusses more than 80 environmental indicators reflecting the status of, and trends in air quality, water, land, waste and materials management, pesticides, transboundary issues (including global climate change and California-Baja California border issues), human and ecosystem health.

The EPIC Project plans to continually evaluate, improve and expand this initial set of indicators to ensure that they provide meaningful information about key environmental issues and contribute to the decision-making processes in environmental programs. Chapter 4 of the EPIC Report discusses ways by which the Project intends to improve the indicators (www.oehha.ca.gov/multimedia/epic/2002reptpdf/Chapter4.pdf).

OEHHA welcomes input from all interested parties throughout this process. Specifically, we are seeking public comment on the following:

- Are these indicators effective in providing meaningful information about environmental issues? Which are most effective in this regard?
- Are there data sets available that could enhance or replace existing indicators or be used as the basis for new indicators? In order to serve as the basis for indicator development, the data must be collected on an ongoing basis. Please provide a reference or source for the dataset.
- What other environmental issues that should be covered by the indicator system? Please suggest possible indicators and sources of data to support them.
- From your perspective, how can existing indicators be modified to make them more useful in your work?

- Please suggest alternative ways of presenting the indicators individually or collectively to more effectively communicate information.

While OEHHA does not intend to formally respond to each comment, all information received will be shared with EPIC Project collaborators, and considered in the process of reviewing and revising the indicators. In addition, future activities under the EPIC Project will be contingent upon the level of available funding.

In order to be considered, the relevant information must be received by OEHHA, regardless of method of transmission, by 5:00 p.m. on June 13, 2003. Submissions should be sent to:

Carmen Milanes
Office of Environmental Health Hazard Assessment
1001 I Street
P.O. Box 4010
Sacramento, CA 95812
FAX: (916) 327-9705
Telephone: (916) 324-2829
cmilanes@oehha.ca.gov

Comments may also be submitted online at: www.oehha.ca.gov

A full list of the initial indicators follows for your reference in preparing your comments.

ENVIRONMENTAL PROTECTION INDICATORS FOR CALIFORNIA

INITIAL SET OF ENVIRONMENTAL INDICATORS

Environmental indicators present scientifically-based information on the status of, and trends in, environmental conditions over time. The issues represented by the indicators are shown as italicized text. Each indicator is classified based on the availability of data, as follows:

Type I: *adequate data are available for presenting a status or trend*

Type II: *further data collection/analysis/management is needed before a status or trend can be presented.*

Type III: *conceptual indicators for which systematic data collection is not in place.*

AIR QUALITY

(Air quality-related indicators also appear in the following sections: Land, Waste and Materials Management; Pesticides; Transboundary issues; and Ecosystem health)

Criteria air pollutants

Ozone

- Days with unhealthy levels of ozone pollution (Type I)

- Peak 1-hour ozone concentration (Type I)
- Exposure to unhealthy ozone levels in the South Coast air basin (Type I)
- Emissions of ozone precursors: Volatile organic compounds + Oxides of nitrogen (Type I)

Particulate matter (PM10)

- Days with unhealthy levels of inhalable PM10 (Type I)
- Peak 24-hour PM10 concentration (Type I)
- Annual PM10 concentration (Type I)
- Total primary and precursor PM10 emissions (Type II)

Carbon monoxide

- Days with unhealthy levels of carbon monoxide (Type I)
- Peak 8-hour carbon monoxide concentration (Type I)
- Carbon monoxide emissions (Type I)

Toxic air contaminants (TACs)

- Total emissions of TACs (Type II)
- Community-based cancer risk from exposure to TACs (Type II)
- Cumulative exposure to TACs that may pose chronic or acute health risks (Type II)

Visibility

- Visibility on an average summer and winter day and in California national parks and wilderness areas (Type II)

Indoor air quality

- Household exposure of children to environmental tobacco smoke (Type I)
- Indoor exposure to formaldehyde (Type III)

WATER

(Water-related indicators also appear in the following sections: Land, Waste and Materials Management; Pesticides; and Ecosystem health)

Water quality

Multiple beneficial uses

- Aquatic life and swimming uses assessed in 2000 (Type I)
- Spill/Release episodes—Waters (Type I)
- Leaking underground fuel tank (LUFT) sites (Type I)
- Groundwater contaminant plumes—Extent (Type II)
- Contaminant release sites (Type II)

Drinking water

- Drinking water supplies exceeding maximum contaminant levels (MCLs) (Index)

Recreation

- Coastal beach availability—Extent of coastal beaches posted or closed (Type I)

Fish and shellfish

- Bacterial concentrations in commercial shellfish growing waters (Type I)
- Fish consumption advisories—Coastal waters (Type I)
- Fish consumption advisories—Inland waters (Type III)

Water supply and use

- Statewide water use and per capita consumption (Type I)
- Water use efficiency—Recycling municipal wastewater (Type I)
- Groundwater supply reliability (Type III)

LAND, WASTE AND
MATERIALS MANAGEMENT

Waste generation

Waste generation, in general

- Statewide solid waste generation, disposal and diversion, per capita (Type I)
- Number of tires diverted from landfills (Type I)
- Hazardous waste shipments (Type I)
- Federal and California-only hazardous waste generation (Type II)

Accidents/disasters/spills/releases

- Hazardous material incidents (Type I)

Waste importation/exportation

- Hazardous waste imported/exported (Type II)

Disposal to land

- Statewide solid waste disposal per capita (Type I)
- Hazardous waste disposal (Type I)

Site contamination

- Cleanup of illegal solid waste disposal sites (Type II)
- Tire cleanup (Type II)
- Soil cleanup (Type I)
- Contaminated sites (Type I)

Cross-media contamination

- Number of environmental releases from active landfills (Type III)
- Groundwater contaminant plumes—Extent (see Water section)
- Contaminant release sites (see Water section)

PESTICIDES

Air

- Number of detections of pesticides identified as toxic air contaminants and the percent that exceeds numerical health standards each year (Type III)

Water

- Area with pesticides detected in well water (Type I)
- Simazine and breakdown products in a monitoring network of 70 wells in Fresno and Tulare Counties (Type I)
- Pesticide detections in surface water and the percent that exceeds water quality standards (Type III)

Pesticides in food

- Percent of produce with illegal pesticide residues (Type I)

Pesticide use

- Pesticide use volumes and acres treated, by toxicological and environmental impact categories (Type II)

Integrated pest management

- Number of growers adopting reduced-risk pest management systems and the percent reduction in use of high risk-pesticides (based on Alliance grant targets) (Type II)

Human health

- Number of reported occupational illnesses and injuries associated with pesticide exposure (Type I)

Ecological health

- Number of reported fish and bird kills due to pesticide exposure each year (Type II)

TRANSBOUNDARY ISSUES

Global pollution

Climate change

- Carbon dioxide emissions (Type I)
- Air temperature (Type I)
- Annual Sierra Nevada snowmelt runoff (Type I)
- Sea level rise in California (Type I)

Stratospheric ozone

- Stratospheric ozone depletion (Type I)

Trans-border pollution

California-Baja California, Mexico border issues

- Air pollutants at the California/Baja California, Mexico border (Type I)

Domestic border issues

- Amount of hazardous waste imported/exported (See Land, Waste and Materials Management Section) (Type II)

International border issues

- Ballast water program (Type III)

ENVIRONMENTAL EXPOSURE IMPACTS
UPON HUMAN HEALTH

Human body concentrations of toxic chemicals

Surveillance of persistent organic pollutants in body tissues and fluids

- Concentrations of persistent organic pollutants in human milk (Type III)

Lead in children and adults

- Elevated blood lead levels in children (Type II)

Mercury in children and adults

- Mercury levels in blood and other tissues (Type III)

ECOSYSTEM HEALTH

Land cover and management & threatened and endangered species

Land cover

- Land cover of major terrestrial ecosystems in California (Type I)

Land management

- Land management in California (Type I)

Threatened and endangered species

- California threatened and endangered species (Type I)

Health of aquatic and coastal ecosystems

Aquatic life protection and biodiversity

- Status of Central Valley Chinook salmon populations (Type I)
- California least tern populations (Type I)
- Persistent organic pollutants in harbor seals (Type III)

Habitat and water quality protection

- Clarity of Lake Tahoe (Type I)
- Stream bioassessment—invertebrate populations (Type II)
- Endocrine-disrupting chemicals in aquatic ecosystems (Type III)

Desert ecosystem health

Alteration in biological communities

- Status of the desert tortoise population (Type I)

Habitat degradation

- Impacts of off-highway vehicles on the desert (Type III)
- Distribution of exotic plants (Type III)

Health of forests, shrub land, and grassland (terrestrial) ecosystems

Habitat quality and quantity

- Change in habitat quantity in rangelands and forests (Type I)
- Change in forest canopy (Type I)
- Pest and disease related mortality in forests (Type I)
- Wildfires in forests and grasslands (Type I)
- Sustainability of California's forests (Type I)

Loss of biodiversity

- Status of northern spotted owl (Type II)
- Status of amphibian populations (Type III)
- Ozone injury to pine needles (Type III)

Agroecosystem health

Availability of natural resources

- Conversion of farmland into urban and other uses (Type I)
- Soil salinity (Type II)

Positive and negative environmental impacts

Urban ecosystems

- Urban tree canopy (Type III)

BACKGROUND INDICATORS

(Note: Background indicators do not represent particular environmental issues in themselves, but provide information with which to interpret the meaning of various environmental indicators presented in this document)

Population Demographics

- Total California population
- Annual population growth

Economy

- Gross State Product (GSP)

Energy Consumption

- Total energy consumption vs. GSP
- Energy consumption in California by sector (transportation, industrial, residential, and commercial)
- Residential energy consumption per household

Transportation

- Motor gasoline consumption, vehicle miles traveled, and efficiency

Human Health

- Life expectancy at birth for the United States and California; including a status of leading causes of death in California
- Infant death rate
- Self-reported asthma prevalence among adults in California and U.S.
- Estimated U.S. annual average rate of self-reported asthma

Water supply

- California's water supplies with existing facilities and programs

Land use

- Progression of development of California's land

DECISION NOT TO PROCEED

BOARD OF PRISON TERMS

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code section 11347(a), the Board of Prison Terms hereby withdraws its notice of proposed regulatory action, No. 01-09, Prisoner Presentation of Documents, submitted to OAL on October 30, 2001, proposing amendments to Title 15, California Code of Regulations sections 2030, 2247, 2249, and 2270.

PROPOSITION 65

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

Request for Information on Chemicals to be
Considered by the OEHHA Science Advisory
Board's Carcinogen Identification Committee

EXTENSION OF PUBLIC COMMENT PERIOD

On February 21, 2003, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 03, No. 8) soliciting information which may be relevant to the evaluation of carcinogenicity of the chemicals identified below. These chemicals will be

considered at a future date by the Carcinogen Identification Committee for possible listing within the context of the Proposition 65.

Chemical	CAS No.
Atorvastatin calcium	134523-03-8
Cerivastatin sodium	143201-11-0
Fluvastatin sodium	93957-55-2
Lovastatin	75330-75-5
Pravastatin sodium	81131-70-6
Simvastatin	79902-63-9

The comment period as announced on February 21, 2002 was to close on April 22, 2003. OEHHA has received requests from interested parties that an extension of the comment period be provided to allow for the submittal of complete and relevant information. OEHHA hereby extends the public comment period to 5 p.m., **Monday June 23, 2003** for these chemicals. Interested parties or members of the public wishing to provide information relevant to the assessment of carcinogenicity for these chemicals should forward such information including, but not limited to, cancer bioassays, cancer epidemiological studies, genotoxicity testing, pharmacokinetics, biomarkers, effects on biochemical and physiological processes in humans, and clinical histopathologic information exclusive of that related to muscle damage, to the address given below. Relevant information on these chemicals should be sent in triplicate by mail or fax to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX: (916) 323-8803 Telephone: (916) 445-6900

In order to be considered, the relevant information must be postmarked (if sent by mail) or received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Monday, June 23, 2003.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Enhancing Education Through Technology

In this regulatory action, the Superintendent of Public Instruction proposes emergency regulations to provide for the Enhancing Education through Technology Grant Program established pursuant to California Education Code sections 52295.10 through 52295.55 and pursuant to the "Enhancing Education Through Technology Act of 2001" portion of the federal "No Child Left Behind" legislation.

Title 5
California Code of Regulations
ADOPT: 11971, 11972, 11973, 11974, 11975, 11976, 11977, 11978, 11979, 11980
Filed 04/03/03
Effective 04/03/03
Agency Contact: Debra Strain (916) 319-0641

BOARD OF PSYCHOLOGY

Applications; Inspection of Examinations;
Accreditation Agencies

The Board of Psychology (Board) has withdrawn its amendment of section 1381, title 16, California Code of Regulations effective April 3, 2003. The Board is amending section 1390 to bring it into conformity with changes made in File No. 02-0108-01C, and is amending section 1397.64 to correct an erroneous cross-reference.

Title 16
California Code of Regulations
AMEND: 1381, 1390, 1397.64
Filed 04/07/03
Effective 04/07/03
Agency Contact: Kathy Bradbury (916) 263-0712

CALIFORNIA ENERGY COMMISSION

Power Plant Siting Regulation Amendments

This regulatory action amends the existing regulations governing the handling of complaints to the Commission concerning power plants and clarifies when modifications to an existing power plant license will be allowed. These changes include establishing a separate procedure for handling complaints exclusively for matters related to power plant licensing.

Title 20
California Code of Regulations
ADOPT: 1237 AMEND: 1231, 1232, 1768, 1769
Filed 04/08/03
Effective 05/08/03
Agency Contact: Lisa DeCarlo (916) 654-5195

CALIFORNIA HORSE RACING BOARD

Paymaster of Purses

This rulemaking expands the duties of the paymaster to include disbursement of ten-percent of the net purse money earned on any horse that finishes first, second or third at a quarter horse race meeting to the trainer's account.

Title 4
California Code of Regulations
AMEND: 1467
Filed 04/09/03
Effective 05/09/03
Agency Contact: Harold Coburn (916) 263-6397

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Waiver of Permit Term/Condition Temporary
Emergency

This Certificate of Compliance adopts the process for a waiver of permit terms and conditions during temporary emergencies. (Previous OAL file ## 01-1030-02E, 02-0222-06EE, 02-0617-02EE, 02-1018-06EE)

Title 14
California Code of Regulations
ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
Filed 04/04/03
Effective 04/04/03
Agency Contact:
Michael Bledsoe (916) 341-6058

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Compostable Materials

This rulemaking action refines existing regulations on compostable materials including agricultural materials, chipping and grinding of compostable material, food material, green material, manure, wood waste, and yard trimmings. The action revises regulatory tiers for composting operations and facilities and excluded activities, and requires regulated compostable material handling operations and facilities, with the possible exception of agricultural operations, to prepare, implement, and maintain a site-specific odor impact minimization plan.

Title 14
California Code of Regulations
ADOPT: 17853.0, 17854, 17588.2, 17855.4, 17857.1, 17859.1, 17863.4, 17867.5, 17868.5, 18227 AMEND: 17850, 17852, 17855, 17862, 17862.1, 17863, 17865, 17866, 17867, 17868.1, 17868.2, 17868.3, 17869, 17870, 18103.1 RE-PEAL: 17857, 17858, 17859, 17860, 178

Filed 04/04/03

Effective 04/04/03

Agency Contact: Elliot Block (916) 255-2821

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

Pilot Presentations of Mandated Training/CPT
Recognition

The regulatory action deals with continuing professional training credit and requirements for course certification. Incorporated by reference Commission Procedure D-2 which deals with continuing professional training has also been amended.

Title 11

California Code of Regulations

AMEND: 1005, 1052, D-2

Filed 04/07/03

Effective 05/07/03

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON TEACHER CREDENTIALING
Additional Assignment Authorizations for Specific Education

This action clarifies the eligibility of certain credential holders with specified experience of at least 3 years to teach birth to preschool and preschool age students.

Title 5

California Code of Regulations

ADOPT: 80020.1

Filed 04/07/03

Effective 05/07/03

Agency Contact:

Terri H. Fesperman (916) 323-5777

DENTAL BOARD OF CALIFORNIA
Continuing Education

In this regulatory action, the Dental Board of California amends a continuing education regulation pertaining to the units required for renewal of licenses. Specifically, the Dental Board sets forth the number of continuing education units required by dentists and dental auxiliaries in the areas of (1) infection control and (2) California law, effective with the 2004–2005 license renewal cycle and for every renewal cycle thereafter.

Title 16

California Code of Regulations

AMEND: 1017

Filed 04/08/03

Effective 05/08/03

Agency Contact: Linda Madden (916) 263-2300

DEPARTMENT OF CHILD SUPPORT SERVICES
Immediate Enforcement Actions

This is the readoption of an emergency action implementing procedures intended to further the collection of child support, including income with-

holding, real property liens, and notification of credit reporting agencies; assure provision of medical insurance coverage, and provide related definitions.

Title 22, MPP

California Code of Regulations

ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132,

Filed 04/03/03

Effective 04/21/03

Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CORRECTIONS
DNA Collection

This filing is a certificate of compliance for an emergency regulatory action which amended provisions governing the sample and specimen collection of DNA based upon changes made by Senate Bill 1242. The original filing was deemed an emergency based upon the certification of operational necessity by the Chief Deputy Director, Field Operations, pursuant to section 5058.3 of the Penal Code.

Title 15

California Code of Regulations

AMEND: 3025, 3315

Filed 04/08/03

Effective 04/08/03

Agency Contact: Cassie Mraz (916) 324-6776

DEPARTMENT OF FOOD AND AGRICULTURE
Permit Reform Act

This action adopts the Permit Reform Act time periods for processing a dead hauler license and license renewal.

Title 3

California Code of Regulations

AMEND: 300(c)

Filed 04/03/03

Effective 05/03/03

Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF FOOD AND AGRICULTURE
Requirements for the Movement of Sheep and Goats

This emergency rulemaking establishes the interstate and intrastate movement requirements for sheep and goats and addresses the diseases that affect them in order to protect healthy livestock and the agricultural industry in California.

Title 3

California Code of Regulations

ADOPT: 760, 760.1, 760.2, 760.3, 760.4, 760.5, 760.6, 760.7, 760.9 REPEAL: 760, 765

Filed 04/08/03
 Effective 04/08/03
 Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF FOOD AND AGRICULTURE
Mexican Fruit Fly Interior Quarantine

This is the certification of compliance for an interior quarantine designed to prevent the spread of the Mexican Fruit fly from, into, and within the Monterey Park Area of Los Angeles County.

Title 3
 California Code of Regulations
 AMEND: 3417(b)
 Filed 04/07/03
 Effective 04/07/03
 Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES
Annual Healthcare Common Procedure Coding System (HCPCS) Update

This emergency regulatory action is the annual update of the Department's regulations implementing the U.S. Health Care Financing Administration common procedure coding system pursuant to Welfare & Institutions Code section 14105.

Title 22
 California Code of Regulations
 AMEND: 51319, 51507.2, 51515, 51517, 51521
 Filed 04/04/03
 Effective 04/04/03
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Environmental Laboratory Accreditation Program (ELAP) Fees

Section 100825 of the Health and Safety Code requires laboratories that perform environmental laboratory testing for regulatory agencies in California to obtain certification from the Department of Health Services. Section 100860 of the Health and Safety Code specified the fees that a laboratory must pay when applying for certification and annually thereafter. Section 100860 expired on January 1, 2002. Section 100860.1, which became effective on January 1, 2002, provides that fees sufficient to allow the program to be fully fee-supported shall be adopted by regulation. Provision 1 to Item 4260-001-0001 of the Budget Act for 2002-2003 (AB 425, Chapter 375, Stats. 2002) provides that the Department shall promulgate emergency regulations to adjust fees to a level that will cover at least 95% of the cost of a fee supported program. This filing is a certificate of compliance for an emergency regulatory action which established a schedule of fees for environmental

laboratories that wish to be certified to perform environmental laboratory testing for regulatory agencies in California.

Title 22
 California Code of Regulations
 ADOPT: 64806
 Filed 04/03/03
 Effective 04/03/03
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF INDUSTRIAL RELATIONS
Self Insurer's Annual Report

The Department of Industrial Relations is amending section 15251 of title 8, California Code of Regulations. In subsection (a)(1) the revision of the form A4-40a was changed to conform to the approved change in File No. 01-0629-01N, which was June 2001. Subsection (b)(2)(A)(7.) of the aforementioned section is being amended to reflect a change to the title of section II of said form from "consolidated liabilities" to "liabilities by reporting location," which took place in the June 2001 revision.

Title 8
 California Code of Regulations
 AMEND: 15251
 Filed 04/07/03
 Effective 05/07/03
 Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS
Security Deposit

This is a nonsubstantive action correcting a typographical error where the regulation text references another subsection. The reference is clearly intended to refer to another subsection.

Title 8
 California Code of Regulations
 AMEND: 15210
 Filed 04/09/03
 Effective 05/09/03
 Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF JUSTICE
Laboratory Certification, Firearms Safety Devices, Gun Safe Standards

This emergency readopt revises firearm safety device listing and delisting procedures and testing standards and provides for "unknown" makes or models on an affidavit of ownership of an acceptable gun safe. The action also specifies the means of establishing proof of ownership of an acceptable, listed lock box, and specifies how long a firearms dealer must keep such proof.

Title 11
California Code of Regulations
ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44,
977.45, 977.50, 977.51
Filed 04/03/03
Effective 04/03/03
Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF PARKS AND RECREATION
OHMVR Grant & Cooperative Agreement
Regulations

This emergency regulatory action amends the Department's regulations dealing with Off-highway Motor Vehicle Recreation (OHMVR) grants and cooperative agreements.

Title 14
California Code of Regulations
ADOPT: 4970.09 AMEND: 4970.00, 4970.01,
4970.02, 4970.03, 4970.04, 4970.05, 4970.06,
4970.07, 4970.08, 4970.10, 4970.11, 4970.12,
4970.13, 4970.14, 4970.15, 4970.16, 4970.17,
4970.18, 4970.19, 4970.20, 4970.21, 4970.22,
4970.23, 4970.24, 4970.25, 4970.2
Filed 04/07/03
Effective 04/07/03
Agency Contact:
Lisa R. McClung (916) 445-2721

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Conflict of Interest Code

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 599.885
Filed 04/04/03
Effective 05/04/03
Agency Contact: Sydney Perry (916) 324-2763

DEPARTMENT OF SOCIAL SERVICES
Foster Family Homes Emergency

This Certificate of Compliance conforms current regulations dealing with the licensing of foster care homes to changes in federal and state law. (Previous OAL file #02-0620-04E, 02-1018-08EE)

Title 22, MPP
California Code of Regulations
ADOPT: 89202, 89261, 89319, 89323, 89370,
89372, 89374, 89376, 89388, 89400, 89405
AMEND: 87000, 87001, 87005, 87006, 87007,
87009, 87010, 87010.1, 87010.2, 87017, 87018,
87019, 87019.1, 89221, 87019.2, 87020, 87021,
87024, 87026, 87027, 87028, 87029, 8
Filed 04/09/03

Effective 04/09/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
CalWORKs 60-Month Time Limit Procedures

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with CALWORKS 60 month time limits. (Prior OAL Files 02-0219-02E; 02-0626-02EE and 02-0923-01EE. California Department of Social Services ORD# 1201-23.)

Title MPP
California Code of Regulations
AMEND: 40-107.14, 40-107.15, 42-301.2, 42-
302.1, 42-302.2, 42-0302.3, 44-133.5, 44-133.8,
44-352.1, 88-832, 88-833.1
Filed 04/09/03
Effective 04/09/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Release of CalWORKs/Food Stamp Information to
Law Enforcement

The regulatory action deals with the release of CALWORKS and food stamp information to law enforcement officials.(California Department of Social Services ORD#0701-14.)

Title MPP
California Code of Regulations
AMEND: 19-001, 19-004.412, 19-004.412(a), re-
number 19-004.9 to 19-004.42, 19-004.62, 19-
005.21, 19-007.1, 20-300.32, 20-300.33
Filed 04/09/03
Effective 05/09/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

EMPLOYMENT DEVELOPMENT DEPARTMENT
Domestic Partners

This is the certification of compliance for an action that amends the definition of "family" utilized in determining whether an employee has voluntarily left work due to "domestic circumstances" that reasonably would influence a person genuinely interested in retaining employment to leave that work, by recognizing a "registered domestic partner" as a person who may be a family member.

Title 22
California Code of Regulations
AMEND: 1256-9, 1253.12-1, 1030(a)-1
Filed 04/08/03
Effective 04/08/03
Agency Contact: Laura Colozzi (916) 654-7712

FAIR POLITICAL PRACTICES COMMISSION
Coordinated Expenditures—Made at the Behest of

The Fair Political Practices Commission is amending section 18225.7 and adopting section 18550.1, title 2, California Code of Regulations, pertaining to “Made at the behest of,” and “Independent and Coordinated Expenditures,” respectively.

Title 2
California Code of Regulations
ADOPT: 18550.1 AMEND: 18225.7
Filed 04/09/03
Effective 04/09/03
Agency Contact:
Lawrence T. Woodlock (916) 322-5660

FRANCHISE TAX BOARD
Deduction for Certain Dividends

This action amends an effective date (from 1/1/97 to 1/1/96) based on the effective date of the underlying statute and Revenue and Taxation Code section 18415(a). The action would also add the language “except as otherwise specifically provided” to take into account another effective date requirement in a different subsection. This action is being submitted as a nonsubstantive change.

Title 18
California Code of Regulations
AMEND: 24411
Filed 04/09/03
Effective 05/09/03
Agency Contact:
Colleen Berwick (916) 845-3306

PUBLIC EMPLOYEES’ RETIREMENT SYSTEM
CalPERS Contracting Agency Termination

This emergency regulatory action amends the procedure for a contracting agency to terminate health benefits pursuant to the Public Employees’ Medical and Hospital Care Act (PEMHCA).

Title 2
California Code of Regulations
AMEND: 599.515
Filed 04/03/03
Effective 04/03/03
Agency Contact: Joe Parilo (916) 326-3484

SECRETARY OF STATE
Safe at Home Confidential Address Program

This action would establish application, fees, and administrative procedures for the Safe at Home Confidential Address Program for reproductive health care service providers, employees, volunteers, patients, and their families.

Title 2
California Code of Regulations
ADOPT: 23000, 23100, 23100, 23200, 23300

Filed 04/03/03
Effective 04/03/03
Agency Contact: Lisa B. Niegel (916) 653-3345

STATE MINING AND GEOLOGY BOARD
Annual Surface Mine Inspections

This rulemaking action requires a lead agency (a city, county, or the board) to provide advance written notice of the annual surface mine inspection, provides that inspectors have demonstrated competence in performing inspections, requires evaluation of geological and engineering conditions by or under the supervision of a registered Geologist or Professional Engineer, provides that an inspection shall not be conducted by someone with a financial interest in the operation, provides that inspections may be conducted by a specialist or a team of specialists, requires inspectors to follow requirements of the operator regarding minimal interference with operations and safety, clarifies that operator is responsible for reasonable costs of inspection by any lead agency including the board, specifies what inspections may include to ensure that the operation is in compliance with applicable statutory requirements, requires the use of Surface Mining Inspection Report MRRC-1 (4/97), and requires the lead agency to provide a copy of the report to the board and to the mine operator within 30 days of the inspection.

Title 16
California Code of Regulations
ADOPT: 3504.5
Filed 04/07/03
Effective 05/07/03
Agency Contact:
John G. Parrish (916) 322-1082

VETERINARY MEDICAL BOARD
Fee Increase

This action would increase the registration and renewal fees for Veterinarians and Registered Veterinary Technicians.

Title 16
California Code of Regulations
AMEND: 2070, 2071
Filed 04/08/03
Effective 07/01/03
Agency Contact: Deanne Pearce (916) 263-2622

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN DECEMBER 04, 2002
TO APRIL 09, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and

Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/21/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, Appendix A

Title 2

04/09/03 ADOPT: 18550.1 AMEND: 18225.7
 04/04/03 AMEND: 599.885
 04/03/03 AMEND: 599.515
 04/03/03 ADOPT: 23000, 23100, 23100, 23200, 23300
 04/01/03 AMEND: 52.4
 03/27/03 ADOPT: 18754
 03/24/03 AMEND: 321
 02/28/03 AMEND: 599.931
 02/27/03 ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
 02/25/03 REPEAL: 18707.3
 02/24/03 AMEND: 18312
 02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
 02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107
 02/18/03 AMEND: 18991
 02/18/03 AMEND: 18704.2
 02/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859, 171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
 02/13/03 AMEND: 1859.77.2
 02/11/03 AMEND: 1897
 02/11/03 AMEND: 1555
 02/06/03 ADOPT: 1859.74.5, 1859.74.6, 1859.81.2, 1859.81.3, 1859.105.2 AMEND: 1859.2, 1859.74, 1859.76, 1859.77.1, 1859.81.1, 1859.90, 1859.103, 1859.104
 02/06/03 ADOPT: 50
 02/03/03 AMEND: 649.11
 02/03/03 ADOPT: 649.23, 649.24, 649.25
 01/30/03 ADOPT: 18530.2
 01/16/03 AMEND: 18700
 01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108 AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1,

1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
 01/16/03 AMEND: 18705.1
 01/16/03 ADOPT: 18545
 01/16/03 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
 01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1, 1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.9.1, 1866.12, 1866.13, 1866.14 AMEND: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.5, 1866.5.3, 1866.7, 1866.8, 186
 01/08/03 ADOPT: 18535
 12/19/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.218, 1859.219, 1859.220,
 12/17/02 ADOPT: 599.723.2
 12/10/02 ADOPT: 58700

Title 3

04/08/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4, 760.5, 760.6, 760.7, 760.9 REPEAL: 760, 765
 04/07/03 AMEND: 3417(b)
 04/03/03 AMEND: 300(c)
 04/01/03 AMEND: 3417(b)
 03/26/03 ADOPT: 797
 03/20/03 AMEND: 3700(c)
 02/06/03 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5
 02/03/03 AMEND: 3700(c)
 01/28/03 AMEND: 3417(b)
 01/27/03 AMEND: 3700(C)
 01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
 01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37
 12/24/02 ADOPT: 1392.12
 12/12/02 AMEND: 3417(b)
 12/12/02 AMEND: 3423(b)
 12/12/02 AMEND: 3417(b)
 12/10/02 AMEND: 3700(b)
 12/05/02 AMEND: 6550

Title 4

04/09/03 AMEND: 1467
 03/06/03 AMEND: 8072, 8074
 02/13/03 ADOPT: 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
 01/27/03 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308,

12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310
 12/12/02 ADOPT: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142
 12/05/02 ADOPT: 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12305

Title 5

04/07/03 ADOPT: 80020.1
 04/03/03 ADOPT: 11971, 11972, 11973, 11974, 11975, 11976, 11977, 11978, 11979, 11980
 03/18/03 AMEND: 20438, 20440
 02/24/03 AMEND: 18301
 02/14/03 ADOPT: 54400
 01/30/03 AMEND: 80043
 01/29/03 AMEND: 31000, 31001, 31003, 31004, 31005, 31006, 31007
 01/27/03 ADOPT: 42397, 42397.1, 42397.2, 42397.3, 42397.4, 42397.5, 42397.6, 42397.7, 42397.8, 42397.9, 42397.10, 42397.11
 01/16/03 ADOPT: 9531, 9532
 01/08/03 ADOPT: 11303, 11304, 11305, 11306, 11307, 11308, 11316 AMEND: 11303, 11304, 11305 REPEAL: 4304, 4306, 4311, 4312
 12/23/02 AMEND: 80054.5, 80020.4.1
 12/10/02 ADOPT: 11983.5
 12/09/02 AMEND: 80054
 12/05/02 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959

Title 8

04/09/03 AMEND: 15210
 04/07/03 AMEND: 15251
 03/26/03 AMEND: 3279, 3280
 03/03/03 ADOPT: 17000 REPEAL: 17000
 02/24/03 AMEND: 451, 527
 01/30/03 AMEND: 336
 01/29/03 ADOPT: 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22, 10122.1, 10127.3, 10131.2, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15 AMEND: 10122, 10131, 10133, 10133.2 REPEAL: 10133.1
 01/28/03 AMEND: 1604.5(c)(3), 1604.6(a)
 01/21/03 ADOPT: 339.9 AMEND: 339.8.1
 01/09/03 ADOPT: 412.2 AMEND: 403, 404, 405.1, 411, 411.1, 411.2, 418, 420 REPEAL: 407, 407.1, 407.2, 407.3,
 01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772, 9779, 9779.1, 9779.3, 9779.4, 9779.45
 01/09/03 AMEND: 769
 01/08/03 ADOPT: 46.1

01/06/03 AMEND: 1527
 01/03/03 AMEND: 344.30
 12/30/02 ADOPT: 10114.1, 10114.2, 10114.3, 10114.4, 101002, 10103.2, 10106.1, 10107.1, 10111.2, 10113.1, 10113.2, 10113.3, 10113.4, 10113.5, 10113.6 AMEND: 10104, 10105, 10106.5, 10108, 10109, 10113, 10114, 10115.1 REPEAL: 10115.3
 12/30/02 AMEND: 14300.10, 14300.12, 14300.29
 12/19/02 AMEND: 5221, 5223,

Title 9

03/25/03 AMEND: 821
 02/20/03 AMEND: 9100
 01/02/03 AMEND: 10355
 12/26/02 ADOPT: 7149.1 AMEND: 7174

Title 10

03/27/03 AMEND: 260.211, 260.211.1
 03/20/03 ADOPT: 2700, 2700.1, 2701, 2702
 03/20/03 ADOPT: 2187.4
 03/13/03 ADOPT: 2020, 2021 AMEND: 250.51
 03/10/03 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.6, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24,
 03/10/03 ADOPT: 2175, 2175.1, 2175.2, 2175.3, 2175.4, 2175.5, 2175.6, 2175.7, 2175.8, 2175.9, 2175.10, 2176, 2176.1 2176.2, 2176.3, 2176.4, 2177, 2177.1, 2177.2, 2177.3, 2177.4, 2177.5, 2177.6, 2177.7, 2177.8, 2177.9, 2177.10, 2177.11, 2177.12, 2177.13, 2177
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12/16/02 ADOPT: 1422, 1423

12/12/02 AMEND: 2632.8

12/12/02 ADOPT: 2699.6606, 2699.6711, 2699.6631, 2699.6717 AMEND: 2699.6500, 2699.6600, 2699.6605, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6623, 2699.6625, 2699.6629, 2699.6631, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6800, 2699.6801, 2699.680

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02/06/03 AMEND: 1005, 1070, 1082

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03/10/03 ADOPT: 632 AMEND: 630

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01/21/03 ADOPT: 14120 AMEND: 14101, 14102, 14111, 14112, 14113, 14115, 14116

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